

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HOVIC FITERZ,

Defendant.

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Case No. 8:10CR203

ORDER

This matter is before the court on the defendant's Motion to Disclose Grand Jury Testimony (#8). The motion is denied. While Federal Rule of Criminal Procedure 6(e)(3)(E) does permit disclosure of grand jury matters in certain situations, the defendant in this case has failed to show a "particularized need" for grand jury testimony. *United States v. Sileven*, 985 F.2d 962, 965 (8th Cir. 1993). See, *United States v. Warren*, 16 F.3d 247, 258 (8th Cir. 1994).

In this case, the defendant shows no particularized need other than the assertion that there can't be probable cause in this case. Additionally, the government is not required to present information supplied by the defendant to the grand jury, nor is the government bound by the opinion expressed by a state prosecutor to the defendant's attorney that the defendant did not have knowledge of the presence of contraband.

Therefore,

IT IS ORDERED:

1. The defendant's Motion to Disclose Grand Jury Testimony (#8) is denied.

2. A party may object to a magistrate judge's order by filing an "Objection to Magistrate Judge's Order" within 14 days after being served with the order. The objecting party must comply with all requirements of NECrimR 59.2.

Dated this 6th July 2010.

BY THE COURT:

S/ F. A. Gossett
United States Magistrate Judge